

REMARKS

Claims 18-31 remain in the case. Claims 1-17 and 32-45 are cancelled without prejudice or disclaimer.

The indication in the Action that Claims 19-23, and 26-31 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims, is noted with appreciation. The above amendment of Claim 18 introduces the limitations of Claims 19-22 which have been indicated to be allowable. Thus, generic Claim 18 is believed to be allowable. Claims 19-24 which depend from Claim 18 are thus also deemed to be allowable as they add further limitations to Claim 18. Similarly, the above amendment of Claim 25 introduces the limitations of Claims 26-29 which have been indicated to be allowable. Thus, generic Claim 25 is believed to be allowable. Claims 26-31 which depend from Claim 25 are thus also deemed to be allowable as they add further limitations to Claim 25. Thus, allowance of Claims 18-31 is solicited.

The Examiner's comment that it is not obvious, although obvious to try, to test these analogs of DBDMH to determine if they are also more effective in the manners instantly claimed, than BrCIDMH is noted. However, even if the Examiner's position is correct, the Supreme Court statement in *KSR International Co. v. Teleflex Inc. et al.* 127 S.Ct. 1727, 82 USPQ2d 1385 (2007) appears to suggest application of the "obvious to try" test in situations where:

- > "there is a design need or market pressure to solve a problem"; and
- > "there are a finite number of identified, predictable solutions".

The rejection of Claims 18, 24, 25, and 31-35 under 35 U.S.C. 102 on Moore et al. U.S. 6,322,822 is deemed inapplicable to the claims now in the case in view of the above discussed amendments.

If, however, any matters remain requiring further consideration that may be expedited by discussion, the Examiner is requested to telephone the undersigned at the number given below so that such matters may be discussed and, if possible, promptly resolved.

Case SU-7190-A
Application No.: 10/688,124

Please continue to address all correspondence in this Application to Mr. Spielman at the address of record.

Respectfully submitted,

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